

09/423,776

**REMARKS**

The Applicant thanks the Examiner for indicating that claims 66-97 are allowed over the art of record in this case.

Only claim 98 is rejected, under 35 U.S.C. § 102 (b), as being anticipated in view of Marks `211. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Claim 98 is canceled, without prejudice or disclaimer of the subject matter therein, from this application and such claim cancellation is believed to overcome the raised rejection in view of Marks `211.

Lastly, a minor amendment is entered with respect to allowed claim 82 to clarify that the means for varying administration of the anaesthetic dose to the subject does not automatically vary the dose, but merely provides an indication, e.g., a display and/or an alarm for example, to an anesthesiologist that a variation of the anaesthetic dose to the subject is required. Such claim amendment is not believed to effect the allowability of independent claim 82.

With respect to the remaining prior art cited in the official action, the Applicant notes the same. However, as none of that additional art is applied by the Examiner against the claims of this application, the Applicant is not providing any comments concerning the same at this time.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the foregoing, it is respectfully submitted that this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

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In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on May 27, 2003.

By:   
Print Name: Michael J. Bujold